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International Convention on
the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fiftieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

United Kingdom of Great Britain and Northern Ireland

1. The Committee considered the fourteenth periodic report of the United Kingdom of Great Britain and Northern Ireland (CERD/C/299/Add.9) at its 1185th and 1186th meetings (CERD/C/SR.1185 and 1186), held on 3 and 4 March 1997. At its 1204th and 1209th meetings, held on 14 and 19 March 1997, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the opportunity to continue its dialogue with the State party. It also welcomes its fourteenth periodic report, and notes with appreciation that information on Crown Dependencies and Dependent Territories is contained therein. The Committee notes with great appreciation that the report provides answers in detail to concerns expressed and recommendations made by the Committee in its concluding observations following the consideration of the thirteenth periodic report of the State party (see documents CERD/C/263/Add.7 and A/51/18, paras. 219-255). The Committee further welcomes the comprehensive answers provided by the delegation in the course of the dialogue.

3. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and some of its members requested that the possibility of making such a declaration be considered.

B. Factors and difficulties impeding the implementation of the Convention

4. It is noted that the position maintained by the Government with regard to the non-incorporation of the full substance of the Convention within the domestic legal order, as well as its restrictive interpretation of the provisions of article 4 of the Convention, may hamper the full implementation of the provisions of the Convention.

5. Moreover, it is noted that the occurrence of racism and racially motivated attacks, as well as incidents directed against members of ethnic minorities, impede the implementation of the Convention.

C. Positive aspects

6. The various measures taken to increase the participation of members of ethnic minorities in public and government office and in the police are welcomed by the Committee. The adoption of the Housing Act 1996 to combat racial discrimination in the field of housing, the setting up of lay visiting schemes which encompass inspection and supervision of detention in police stations by members of local communities to prevent and combat ill-treatment in custody, the drafting of changes to the code of practice which regulates police powers and procedures in the exercise of stop and search exercises, the creation of a Racial Incidents Standing Committee to implement the report of the Racial Attacks Group to combat racially motivated incidents, and the adoption of a 10-Point Action Plan to raise the achievement of ethnic minority pupils following the publication of a report by the Office for Standards in Education are noted with appreciation by the Committee.

7. With respect to article 7 of the Convention, the holding of seminars and the setting up of training programmes for judges, magistrates and law enforcement officials, provided in particular by the Ethnic Minorities Advisory Committee and the Police Training Centres, which are aimed at the elimination of racial discrimination from the relationships between members of these professions and members of ethnic minorities, are welcomed by the Committee. The launching of a number of information campaigns against racial discrimination addressed to the public at large or to specific sectors of the public (such as the "Lets kick racism out of football" campaign) is also welcomed by the Committee.

8. The adoption of the Race Relations (Northern Ireland) Order 1997 is noted, all the more so since it contains special provisions relating to the Irish Traveller communities. The fact that direct access to the courts and industrial tribunals is granted for violations of the provisions of the Order outlawing racial discrimination in the fields of employment, training, education and housing and in the provision of goods and services is also welcomed by the Committee.

9. It is noted with satisfaction that, in accordance with the Committee's recommendations, the United Kingdom Government requested the authorities of the Crown Dependencies and the Dependent Territories to consider the introduction of specific legislation against racial discrimination within their respective legal orders, and that to this effect, it provided them with

draft model legislation in line with its Race Relations Act 1976. It is further noted with satisfaction that some of these authorities have acceded to that request, i.e. those of Anguilla, Bermuda, the British Virgin Islands, the Falkland Islands and Saint Helena.

10. The adoption of the British Nationality (Hong Kong) Bill, which grants the right to members of ethnic minorities in Hong Kong who have no other nationality than their present British nationality to be registered as full British citizens, and thus to enjoy the right of abode in the United Kingdom, is noted with appreciation by the Committee.

11. It is also noted with satisfaction that, after 140 years, equal status has been accorded to Chinese with English in the Hong Kong courts at all levels, and that the Hong Kong government is undertaking the translation into Chinese of all the laws adopted in Hong Kong before 1989.

12. It is noted with satisfaction that the Hong Kong government is now providing education up to the secondary level to Vietnamese migrants in Hong Kong, and that education services are provided to all Vietnamese children in the detention centres free of charge. The fact that the syllabus takes into account the future reintegration of these children into the Vietnamese education system on their return to Viet Nam is viewed as a positive measure by the Committee.

D. Principal subjects of concern

13. Concern is expressed that full effect has not been given to the provisions of the Convention within the domestic legal order, and that individuals cannot be protected from any discriminatory practices that have not been prohibited by Parliament.

14. Special concern is again expressed at the restrictive interpretation by the Government of the provisions of article 4 of the Convention. In this regard, it is noted that such an interpretation is in conflict with the State party's obligations under article 4 (b) of the Convention to prohibit organizations which promote and incite racial discrimination and to declare the participation therein an offence and is not in accord with the Committee's General Recommendation No. XV (42).

15. Concern is expressed that the race relations legislation concerning Northern Ireland tabled in Parliament contains two grounds for exemption, namely public order and public safety, which are additional to the ones already enshrined in the Race Relations Act of 1976, and that bodies working in the field of health, education, social services, planning and housing do not have the same positive legal duty to eliminate discrimination as that which applies to local authorities in Britain.

16. Concern is expressed by the Committee with respect to the continuing failure to incorporate questions relating to the racial or ethnic origin of persons in the Northern Ireland population census questionnaires. The Committee is of the view that the identification of minority groups and the analysis of their civil, political, economic and social status are a precondition for identifying the difficulties that they may be facing and for

assessing whether and how such difficulties may be due to racial discrimination, and thus for evaluating the need to adopt specific measures, laws and regulations to overcome those difficulties.

17. With respect to the effective enjoyment of the rights provided for in article 5 of the Convention by all parts of the population without discrimination, concern is expressed at remaining instances of racial discrimination in the field of employment, notably the opportunities for professional promotions, in the private as well as in the public sectors, in the fields of housing and education, in the exercise of stop and search powers by the police, and with respect to occurrences of ill-treatment by the police.

18. It is noted with concern that the implementation of some of the provisions of the Asylum and Immigration Act 1996 may be detrimental to the protection of asylum seekers against any racial discrimination. In this regard, particular concern is expressed at the fact that asylum claims may a priori be considered to be unfounded, and thus be dealt with more swiftly, when the claimants come from certain countries considered by the United Kingdom not to "generally give rise to a serious risk of persecution", and at the fact that no right of in-country appeal is granted to asylum seekers sent back to certain safe third countries. Moreover, while noting the assurances provided in the report that the Asylum and Immigration Act 1996 in itself will not affect the United Kingdom's obligations under the Convention, it is underlined that the definition of racial discrimination under article 1, paragraph 1, of the Convention includes the effect as well as the purpose of an act, and it is thus noted that the Asylum and Immigration Act 1996, in its effects, may be contrary to the Convention.

19. Concern is also expressed that specific legislation against racial discrimination is not yet available in all the Dependent Territories and Crown Dependencies, and that in some cases such legislation should be deemed unnecessary by the relevant authorities on the ground of the alleged non-existence of racial discrimination in the territories.

20. The absence of a provision in the Hong Kong Bill of Rights Ordinance protecting persons from racial discrimination to which they may be subjected by private persons, groups or organizations is a matter of concern for the Committee. In this regard, it is stressed that article 2, paragraph 1 (d), of the Convention makes it an obligation for States parties to prohibit, including by the adoption of legislation, racial discrimination "by any persons, groups or organizations".

21. With respect to the "two-week rule" applying to foreign workers in Hong Kong which prohibits them from seeking employment or remaining in Hong Kong more than two weeks after the expiration of their employment contracts, concern is expressed that such a rule may have discriminatory effects, since it applies mostly to domestic workers of Filipino origin, and that it may leave the workers concerned extremely vulnerable and in precarious conditions.

E. Suggestions and recommendations

22. The Committee recommends that the State party consider giving full effect to the provisions of the Convention in its domestic legal order.

23. The Committee reaffirms that the provisions of article 4 of the Convention are mandatory, as noted in its General Recommendation VII (32). The Committee stresses that the United Kingdom should again consider the possibility of adopting the necessary legislation as requested by the provisions of article 4. In doing so, the Government should take into account the Committee's General Recommendation XV (42).

24. The Committee recommends that questions relating to the racial or ethnic origin of persons be incorporated in the questionnaires established within the framework of the population census in all the territories under the jurisdiction of the United Kingdom. In this regard, the Committee stresses that such information is useful for the effective assessment of progress achieved towards the full implementation of the provisions of the Convention for the benefit of all groups of the population.

25. The Committee recommends that the United Kingdom continue and strengthen its efforts towards the full enjoyment by all ethnic groups of all the rights provided for in article 5 of the Convention. The Committee recommends in particular that close attention be given to the issue of the deaths in police custody and to the monitoring of the conditions and the treatment of persons detained in police stations.

26. The Committee suggests that in its next report the State party include, for a recent year, (a) a review of the number of cases commenced under the Race Relations Act 1976 and their outcomes; and (b) information on the number of prosecutions for offences of a racist character, with an indication of sentences imposed in representative cases.

27. The Committee further recommends that the implementation of the Asylum and Immigration Act 1996 be closely monitored, so as to avoid any possible discrimination against certain categories of asylum seekers and to ascertain that its effects may in no way "nullify or impair the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms" of the persons affected by this Act, in accordance with article 1, paragraph 1, of the Convention.

28. The Committee also recommends that further consideration be given by the authorities of Guernsey, Jersey, the Isle of Man, the Cayman Islands, Montserrat and the Turks and Caicos Islands to the adoption of specific legislation prohibiting racial discrimination, in line with the provisions of the Convention. Noting that racial discrimination is deemed not to exist in some territories, the Committee suggests that the preventive function of the principles laid down in the Convention be given priority in the drafting of any future legislation.

29. The Committee also recommends that special attention be given by the government of Hong Kong to the situation of the foreign workers subject to the "two-week rule" and that all the necessary measures, including the modification or repeal of this specific rule, be undertaken to ensure the protection of all their rights under the Convention.

30. The Committee further recommends that the fourteenth periodic report of the State party, as well as the present concluding observations, be given publicity and be widely disseminated among the public at large.

31. The Committee recommends that the State party's next periodic report, due on 7 March 1998, be a comprehensive report and that it address all the points raised during the consideration of the report.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES
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Concluding observations of the Committee on the
Elimination of Racial Discrimination

Guatemala

1. The Committee considered the seventh periodic report of Guatemala (CERD/C/292/Add.1) at its 1190th and 1191st meetings (CERD/C/SR.1190 and 1191), held on 5 and 6 March 1997. At its 1210th meeting, held on 19 March 1997, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the opportunity to engage in a frank and fruitful dialogue with the Government of Guatemala. The Committee expresses its appreciation of the continuous dialogue with Guatemala during this time of important changes and developments in the State party.

3. The Committee expresses its appreciation for the important information provided in the report and by the delegation in the oral presentation. This information, including recent developments in the State party, enabled the Committee to obtain a better and more up-to-date picture of the situation. Nevertheless, the Committee regrets that the report did not contain sufficient information on the actual practice in the State party with respect to the implementation of the Convention and did not take sufficient account of the concluding observations of the Committee with respect to the previous report (A/50/18, paras. 298-319).

4. The Committee noted that the State party has not made the declaration provided for in article 14 of the Convention, and some of its members requested that the possibility of making such declaration be considered.

B. Factors or difficulties impeding the implementation of the Convention

5. It is recognized that much needs to be done to overcome the effects of the long-lasting conflict in the State party. Efforts towards the full enforcement of the principles and provisions enshrined in the Convention have been hampered by the difficult circumstances in the country after decades of unrest and civil war. It is acknowledged that the changes need to go beyond disarmament and that attitudes and values related to the culture of violence have to be changed in order to achieve peace. It is noted that the exercise of racial discrimination, especially against indigenous populations, is still prevalent in some parts of the society.

C. Positive aspects

6. It is noted with satisfaction that despite severe economic and social difficulties considerable efforts are being made to implement the provisions of the Convention.

7. It is appreciated, in particular, that important legal developments have been achieved recently. A major achievement in this respect has been the Agreement on Identity and Rights of Indigenous Peoples and the Agreement for the Resettlement of Uprooted Populations, which were signed in the process of concluding the peace agreements. Furthermore, it is noted with satisfaction that following the Committee's recommendation, ILO Convention No. 169 concerning Indigenous and Tribal Populations in Independent Countries was ratified by the State party in 1996. It is also noted with appreciation that, under the Constitution of the State party, international obligations including the International Convention on the Elimination of All Forms of Racial Discrimination prevail over national law. In addition, steps taken to revise the Penal Code to include the prohibition of racial discrimination and to introduce legislation on land rights and the protection of indigenous identity are welcomed.

8. It is noted with appreciation that the military commissions and the civil defence volunteer committees have been dissolved.

9. It is noted with satisfaction that various bodies are being established in order to facilitate racial reconciliation and to promote democratic society based on the principle of equality. It is welcomed in particular that a Joint Commission has been established, and that it consists of members of both the indigenous and non-indigenous populations. The establishment of the Commission on Historic Clarification (Truth Commission) in order to investigate killings and disappearances during the armed conflict is also welcomed. In this context, it is noted with appreciation that the delegation of Guatemala assured the Committee that military files would be made available to the Truth Commission. It is also noted with satisfaction that a secretariat of indigenous peoples in the public prosecutor's office and a commission on homeless children have been set up.

10. It is noted with satisfaction that the number of complaints on the grounds of human rights violations has decreased.

11. It is noted with appreciation that a large number of people, mainly indigenous, who had fled their lands and the country during the time of armed conflict have returned to the territory of the State party and that the State party has established a fund to assist the returnees in the process of resettlement.

12. The Committee welcomes the stated intent of the delegation of the Government of Guatemala to include a member of the indigenous population in its delegation during the presentation of its next periodic report.

D. Principal subjects of concern

13. Concern is expressed at the climate of violence and intimidation which still exists in the State party and that the detrimental effects of this climate are mostly borne by the indigenous population. This seriously jeopardizes the conditions of security of persons as referred to in article 5 (b) of the Convention.

14. Concern is expressed that the recommendations of the Committee concerning the implementation of article 5 of the Convention have not yet been fulfilled by the State party; concern is also expressed that the Committee's recommendation that the State party provide detailed information on the implementation of the provisions of the Convention has not been fully complied with.

15. Concern is expressed at the lack of legislation aimed at eliminating racial discrimination as required by article 2 of the Convention.

16. Concern is equally expressed at the lack of legislation prohibiting incitement to racial discrimination as required by article 4 of the Convention.

17. Concern is expressed that the indigenous population does not enjoy effective protection and remedies in the national courts from violations of human rights and fundamental freedoms owing to the lack of interpreters and the insufficient availability of public legal defenders.

18. Concern is expressed that officials of the State party continue to enjoy impunity from criminal prosecution for abusing and violating the human rights of poor people, especially indigenous people and women. This has led people to take the law into their own hands and has resulted in a significant number of lynchings. This situation reflects the despair and lack of confidence of the population in the effective exercise of justice.

19. Concern is expressed at the situation of land rights in the State party. Despite the Government's efforts, the problem of allocation of land and/or compensation continues, especially with respect to the return of lands to the indigenous peoples after the end of the armed conflict. Of special concern are confrontations arising over the ownership of property, in the course of which indigenous peoples have been detained and threatened.

20. It is noted with concern that the previous recommendation of the Committee concerning the training of law enforcement officials in the light of the Committee's General Recommendation XIII has not been implemented.

21. It is noted with concern that adequate and proportionate participation of the indigenous population in Parliament, in the public service and in public life at the national level has not been achieved; in particular, members of indigenous communities are under-represented among judges and in the administration of justice.

22. Concern is expressed that the widespread dissemination of the periodic report of the State party, as well as the concluding observations of the Committee in the respective languages of the population, has not been fully achieved.

23. Although efforts have been made to promote affirmative measures in the fields of education and training and to provide bilingual education for the entire population, the situation is not yet satisfactory.

E. Suggestions and recommendations

24. The Committee recommends that the State party continue and strengthen efforts to change the climate of violence and to support rapid disarmament.

25. The Committee reiterates its recommendation that the State party fully implement the Convention, particularly its articles 4, 5 and 6, and provide information on its application. It is further suggested that the State party furnish detailed information on the effectiveness of newly adopted laws and newly created bodies on ethnic relations. It is also requested that the State party include in its next report information on complaints received and judgements issued concerning racial discrimination.

26. The Committee recommends that the State party continue the process of incorporating the prohibition of racial discrimination in national legislation, and the adoption of laws to implement the agreement on the identity and rights of indigenous peoples.

27. The Committee recommends that the State party take steps to ensure the effective implementation of new laws and provide for access to the judiciary by all members of the population, in particular by furnishing adequate interpretation services for indigenous people at all levels of judicial proceedings. The Committee reiterates its previous recommendation that the training of law enforcement officials should be improved in the light of the Committee's General Recommendation XIII.

28. The Committee recommends that the authorities of Guatemala take effective measures to end the impunity of State officials who act illegally and to guarantee the availability of remedies and due process for all members of the population.

29. The Committee recommends that efforts should be continued to ensure the full participation of all citizens in public life, in particular in elections, after having been adequately informed in the respective languages spoken in the State party.

30. The Committee recommends that the State party take measures to ensure a fair and equitable distribution of land, taking into account the needs of the indigenous population, including those persons returning to the territory after the end of the armed conflict.

31. The Committee stresses the importance that land holds for indigenous peoples and their spiritual and cultural identity, including the fact that they have a different concept of land use and ownership. It is suggested that the State party use the provisions of ILO Convention No. 169 as a guideline for resolving land distribution issues and to consider, in the light of that Convention, the question of compensation for properties that cannot be restituted.

32. The Committee suggests that efforts be increased to promote affirmative measures in the fields of education and training and to introduce bilingual education for all parts of the population.

33. The Committee suggests that the State party consider the establishment of a national commission to undertake specific activities in response to recommendations and suggestions made by the Committee.

34. The Committee suggests that widespread publicity be given to the Convention, the periodic reports submitted by the State party and the concluding observations of the Committee, in major languages of the population.

35. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the fourteenth meeting of States parties.

36. The Committee recalls with appreciation the State party's invitation to have one of its members come to Guatemala to assist the State party in the implementation of the Convention.

37. The Committee recommends that the State party's next periodic report be a comprehensive report and that it provide replies to the questions raised during the consideration of the report.

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Concluding observations of the Committee on the Elimination of Racial Discrimination

Belarus

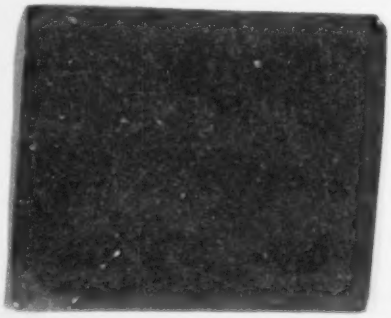
1. The Committee considered the fourteenth periodic report of Belarus (CERD/C/299/Add.8), at its 1192nd and 1193rd meetings (CERD/C/SR.1192 and 1993), held on 6 and 7 March 1997. At its 1210th meeting, held on 19 March 1997, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the timely submission of the State party's fourteenth periodic report, and expresses its satisfaction to the high-level delegation for the additional information provided in answer to the questions raised by members of the Committee during the discussion. The Committee notes with appreciation that the report follows the recommendations contained in its previous concluding observations (A/50/18, paras. 339-352), although it regrets that the report fails to provide information on the implementation of the provisions of the Convention in practice, including judicial practice.

B. Factors and difficulties impeding the implementation of the Convention

3. The present situation in the country, with the profound economic and social changes induced by the dissolution of the former Soviet Union and the massive inflow of immigrants and asylum-seekers, are not conducive to the full implementation of the Convention.



C. Positive aspects

4. The withdrawal by the State party of its reservation to article 22 of the Convention is welcomed. The notification that the Government is considering making the declaration under article 14 and ratifying the amendments to article 8, paragraph 6, of the Convention is noted with appreciation by the Committee.

5. The establishment of a Coordinating Council for National Minorities within the Council of Ministers, the setting up of a State committee on religious and national questions and the forthcoming establishment of an Ombudsman's Office are welcomed by the Committee.

6. The signature by the State party of the Commonwealth of Independent States (CIS) Convention concerning the Rights of Persons Belonging to National Minorities in 1994 and of the CIS Convention on Human Rights and Fundamental Freedoms in 1995 is noted with interest. The fact that the latter contains provisions prohibiting racial discrimination and incorporates a monitoring procedure which will be competent to receive complaints from individuals is viewed by the Committee as a positive measure, although further examination may be needed as to the relationship of these conventions to the International Convention on the Elimination of All Forms of Racial Discrimination.

7. The detailed information provided in the report on the ethnic composition of the population involving national, ethnic, cultural, linguistic and religious minorities in Belarus is welcomed.

8. The adoption of an Act on Refugees in 1995, which takes into account the provisions of the 1951 Convention relating to the Status of Refugees, is welcomed. In this regard, it is noted that bilateral agreements have been concluded between Belarus and neighbouring countries to regulate migratory movements, and that agreements have also been concluded with the CIS in the framework of assistance to refugees and displaced persons.

9. It is noted with appreciation that various legislative acts have been adopted to comply with the provisions of article 4 of the Convention, such as the Act on the Press and Other Mass Media, which prohibits the use of mass media to incite national, social, racial or religious intolerance or discord; the Act on Political Parties, which prohibits the establishment and activities of parties whose aim is to carry out propaganda for national, religious or racial enmity; and the Act on Public Associations, which prohibits the establishment of public associations which incite national, religious or racial enmity.

10. With respect to article 7 of the Convention, it is noted with satisfaction that the teaching of the purposes and principles of the Charter of the United Nations, of the Universal Declaration of Human Rights and of the principal international human rights instruments, including the International Convention on the Elimination of All Forms of Racial Discrimination, is part of school curricula in Belarus. Moreover, the development, in cooperation with the United Nations Development Programme, of the "democracy, public

administration and participation" project, in the framework of which training in the field of human rights of jurists, law enforcement officials, teachers and educators is envisaged, is welcomed by the Committee.

D. Principal subjects of concern

11. The lack of concrete information concerning the implementation of various laws relating to protection against racial discrimination, in particular the Act on Refugees, the Act on National Minorities, the Act on Public Association, or the Act on the Press and Other Mass Media, is noted with regret, given that it hampers the effective assessment of the implementation of the provisions of the Convention.

12. Concern is expressed at the lack of specific legislative provisions prohibiting racial discrimination by private groups or associations. In this regard, it is stressed that article 2, paragraph 1 (d), of the Convention makes it an obligation for States parties to prohibit, including by the adoption of legislation, racial discrimination "by any persons, groups or organizations".

13. With respect to article 5 of the Convention, the lack of information on the participation in public life of ethnic minorities and on their economic and social situation (especially with regard to access to employment, health, education and housing) is regretted, especially since this makes it difficult to evaluate the effective enjoyment by all such groups of the rights mentioned in article 5 of the Convention.

14. It is regretted that it has not been made clear whether the Act on the Judicial System and the Status of Judges in the Republic of Belarus (1995), under which the courts are required to protect social, economic and political rights and freedoms of individuals - regardless of their origin, race, nationality or language - provides for the right to seek just and adequate reparation or satisfaction for any damage suffered as a result of racial discrimination, as provided for by article 6 of the Convention.

15. In connection with article 6 of the Convention, it is noted that no cases of criminal proceedings for racial discrimination in general, and for offences under article 71 of the Criminal Code in particular, have been recorded so far.

16. With respect to article 7 of the Convention, the lack of information on programmes for the training of magistrates, law enforcement officials, teachers and social workers, aimed at raising their awareness of problems related to racial discrimination, is regretted.

E. Suggestions and recommendations

17. The Committee recommends that information on the implementation in practice of the laws relating to the prevention and elimination of racial discrimination be included in the next periodic report. In particular, the mention of any relevant court cases will be appreciated.

18. In connection with the activities of the recently established State Committee on Religious and National Questions, the Committee draws the attention of the State party to its General Recommendation XVII (42) on the establishment of national institutions to facilitate the implementation of the Convention.

19. The Committee recommends that specific legislation be adopted to prohibit racial discrimination by private groups or organizations, in accordance with article 2, paragraph 1 (d), of the Convention.

20. The Committee recommends that comprehensive information be provided by the State party in its next periodic report on the effective enjoyment by all groups of the rights under article 5 of the Convention, in particular concerning participation in public life under article 5 (c) and enjoyment of the economic, social and cultural rights under article 5 (e). For this purpose the Committee recommends that national or ethnic minority associations in the State party be consulted on their experiences regarding these matters.

21. In connection with article 6 of the Convention, the Committee requests that information be provided on the availability of the right to seek from the courts just and adequate reparation or satisfaction for any damage suffered as a result of racial discrimination. The Committee recommends that instances of cases where reparation was sought from the courts, together with the courts' decisions thereon, be provided in the next report.

22. The Committee further recommends that the State party furnish a reply to the question about the reason for the absence of prosecutions relating to racial discrimination offences, so as to assess whether this is due to the actual non-existence of such offences, or to a lack of awareness of the population of their rights, or to a lack of effective enforcement of the relevant laws by the competent authorities.

23. The Committee also recommends that due attention be paid to the availability of education in the Belarusian language for all students who desire to study in this language.

24. In the framework of article 7 of the Convention, the Committee recommends that training concerning the principles and rights enshrined in the Convention be provided to law enforcement officials, judicial personnel, teachers and social workers. Similarly, the Committee recommends that the State party continue its efforts to incorporate the principles of the Convention in school curricula at all levels.

25. While it welcomes the publication of the report, the Committee recommends that the fourteenth periodic report of the State party, as well as the present concluding observations, be widely disseminated among the public at large.

26. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the fourteenth meeting of States parties.

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Concluding observations of the Committee on the Elimination of Racial Discrimination

Luxembourg

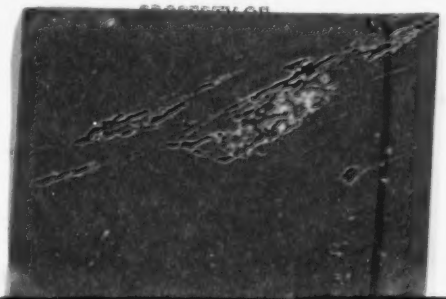
1. The Committee considered the ninth periodic report of Luxembourg (CERD/C/277/Add.2), at its 1193rd and 1194th meetings (CERD/C/SR.1193 and 1194), held on 7 March 1997. At its 1210th meeting, held on 19 March 1997, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the detailed report submitted by the Government of Luxembourg, which contains relevant information about changes and developments that have occurred since the consideration of the previous periodic report, although the Committee notes that the form of the report does not follow the revised guidelines. The Committee notes with appreciation that the State party, in the preparation of the ninth periodic report, has taken into account the Committee's concluding observations with respect to the previous report (A/49/18, paras. 429-443). The Committee also expresses its appreciation of the constructive dialogue with the delegation and the comprehensive and thorough answers given to the range of questions asked by its members.

B. Factors and difficulties impeding the implementation of the Convention

3. It is noted that there are no significant factors or difficulties that prevent the effective implementation of the Convention in Luxembourg.



C. Positive aspects

4. The high standards of Luxembourg regarding the promotion and protection of human rights and its commitment to implementing the provisions of the Convention are noted with appreciation, especially taking into account the very high proportion of foreign residents (over 35 per cent) in the country. The fact that Luxembourg has made a declaration under article 14 of the Convention and is the first State party to implement paragraph 2 of article 14 by establishing a standing committee against discrimination in May 1996 is also welcomed.

5. The additional steps recently undertaken by the authorities of Luxembourg to bring its legislation and practice into line with the Convention's requirements are welcomed. In addition to the Aliens Act promulgated on 27 July 1993, the current efforts being undertaken by the Government to amend the Penal Code are welcomed.

6. The Committee noted with satisfaction that the Government collaborates with non-governmental organizations to facilitate the integration of aliens and to prevent and combat all types of racial discrimination. In this regard, note is taken of the 1993 working agreement between the Government and the Liaison Committee for Aliens' Associations.

7. Satisfaction is expressed in relation to efforts undertaken by Luxembourg to raise awareness and to promote action against all forms of racial discrimination. Training of the police on human rights issues is also welcomed. School and adult education policies implemented by the State party to reflect a plurinational and multilingual population are a source of satisfaction. The radio broadcasting of programmes in various foreign languages is also welcomed as a positive trend.

8. The Act of 27 July 1993, which, inter alia, provides special measures to promote and protect the right to housing of foreign workers, is welcomed in the light of article 5 of the Convention.

9. The Committee welcomes the activities undertaken and planned in Luxembourg on the occasion of the European Year against Racism (1997).

D. Principal subjects of concern

10. It is noted with regret that racist and xenophobic acts and incidents occurred in Luxembourg during 1994.

11. Although noteworthy steps have been taken in the period under review towards the elimination of racial discrimination in Luxembourg and to strengthen the implementation of article 4 of the Convention, it is noted that racist organizations are not yet prohibited by law.

12. Although the Committee is aware of the positive efforts undertaken by the State party in the field of education against racial discrimination, concern is expressed about the absence or insufficiency of such educational measures for some professional groups, such as judges, magistrates, lawyers and civil servants.

E. Suggestions and recommendations

13. In the light of article 4, paragraph (b), of the Convention and of the current process of amending the Penal Code of Luxembourg, the Committee recommends that the Government amend article 455 of the Penal Code to bring it fully into line with the requirements of the Convention.

14. With respect to articles 4 and 6 of the Convention, the Committee would appreciate receiving further information on the number of complaints of racial discrimination, the outcome of the prosecution of cases of racial discrimination and the redress, if any, provided to persons suffering from such discrimination.

15. The Committee recommends the amendment of article 444 of the Penal Code with a view to introducing stronger penalties for acts of slander and/or defamation of a racial character.

16. It is further suggested that the State party consider providing education and training on racial tolerance and human rights issues to professional groups such as judges, magistrates, lawyers and civil servants.

17. During the current review by the authorities of Luxembourg of national legislation relating to freedom of the press and information, the Committee recommends that the State party take appropriate measures to ensure that all of the provisions of the International Convention on the Elimination of All Forms of Racial Discrimination are taken into account.

18. The Committee recommends that the State party give publicity in the country to its ninth periodic report, as well as to the Committee's concluding observations thereon.

19. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the 14th meeting of States parties.

20. The Committee recommends that the State party's next periodic report, due on 1 June 1997, be an updating report and that it address all the points raised during the consideration of the report.

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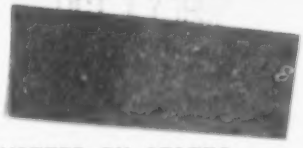

COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fiftieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on
the Elimination of Racial Discrimination

Germany

1. The Committee considered the thirteenth and fourteenth periodic reports of Germany submitted in a single document (CERD/C/299/Add.5), at its 1196th and 1197th meetings (CERD/C/SR.1196 and 1197), on 10 and 11 March 1997. At its 1211th meeting, held on 20 March 1997, it adopted the following concluding observations.

A. Introduction

2. The Committee commends the State party on the high quality of its report, drawn up in accordance with the Committee's guidelines, although it is noted that the report did not deal systematically with the Committee's concluding observations relating to the previous report of the State party. The comprehensive information provided in the report and its annexes, the frank and constructive approach taken by the high-level delegation in the dialogue with the Committee and the additional information provided in response to questions posed by Committee members manifest the serious commitment of the Government of Germany to the principles and purpose of the Convention.

3. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and some of its members requested that the possibility of such declaration be considered.

B. Factors and difficulties impeding the implementation of the Convention

4. The Committee notes that there is no national human rights institution or ombudsman in Germany authorized to monitor and coordinate the Government's efforts to eliminate racial discrimination, and that no comprehensive anti-discrimination law has been adopted, notwithstanding the fact that the German Constitution (Grundgesetz) and many federal and provincial (Länder) laws do prohibit and envisage criminal sanctions for various manifestations of racial discrimination and xenophobia.

C. Positive factors

5. The Committee expresses satisfaction at the significant decrease in criminal offences against foreigners and asylum seekers and of other expressions of racial discrimination and violence in the period since Germany's last report. This decrease appears to be attributable to the manifold legislative, administrative and judicial measures taken by German federal and provincial authorities, including amendments to the criminal law and enactment of additional legislation aimed at rendering the prohibition of racial discrimination and the protection of victims more effective.

6. The prohibition of the production and distribution of neo-Nazi literature and the severe punishment of persons found guilty of incitement to racial hatred have no doubt contributed to the improvement in the situation since Germany's last report. There has also been a noticeable decline in the number of persons belonging to extremist organizations, several of which have been banned. In this context, the Committee is pleased that Germany has adopted legislative measures to fulfil the requirements of article 4 of the Convention.

7. The Committee is aware that attitudes of xenophobia and racial discrimination are rejected by a broad section of the German public, as shown in many spontaneous anti-discrimination demonstrations in German cities, expressions of compassion for the victims of violence, and frequent condemnation of xenophobia and racial discrimination in the daily press and other media.

8. The Committee reiterates that genocide has rightly been condemned as a crime against humanity, and trusts that all genocidal acts will be condemned without any distinction as to time, place or group of victims; it further hopes that schemes for compensation of the victims of genocide and for prevention of any future discrimination will cover all groups that have been or may become victims.

9. Information provided in the report and orally by the delegation indicates that some victims of discrimination have been successful in vindicating their rights in the German courts, including in the context of employment.

10. The Committee welcomes the information given by the delegation concerning the guidelines on education issued by the Conference of Ministers of Culture, which provide for the systematic teaching of human rights and the principles of tolerance and coexistence in a multicultural society. In particular, the Committee commends the German authorities for the improved curricula at various levels of schooling, encompassing instruction, starting in early years of schooling, about other cultures and religions, aiming to instil in the young a feeling of respect for all human beings regardless of ethnic origin or religious affiliation.

11. The frank acknowledgement by the German delegation that there are still serious problems to solve, and the commitment of the German authorities to take preventive measures and to continue monitoring developments, reflect a realistic approach likely to produce good results.

12. The Committee also welcomes ongoing regional cooperation in the eradication of xenophobia and racial discrimination, particularly in the context of the European Union, such as the activities launched in connection with the European Year against Racism.

D. Principal subjects of concern

13. Concern is expressed over manifestations of xenophobia and racial discrimination, including acts of anti-Semitism and hostility against certain ethnic groups, and racial violence that still occur on a substantial scale in Germany. In spite of the Government's efforts to prevent them and to punish the perpetrators, it appears that such manifestations reflect deep-seated prejudices and latent fears still prevailing in certain sections of the population, particularly among the less educated and the unemployed. This situation calls for continued efforts on the part of the federal and provincial governments to eradicate the causes of discrimination and to intensify information and educational programmes.

14. Concern is expressed at the fact that while the State party has accorded the status of ethnic minority and provided special protection to four small ethnic groups traditionally resident in Germany, it has left numerically much larger ethnic groups without any specific protection, in particular, members of those ethnic groups who have long-term residence status or who have become German citizens.

15. Concern is expressed at instances of police brutality against foreigners, particularly Africans and Turks, which have been reported in the press. Better training and stricter disciplinary action against the perpetrators appear to be necessary.

16. It is noted with concern that private insurance carriers sometimes discriminate against ethnic groups and that the onus of complaining is placed on the victim. The Committee considers that federal legislation regulating the insurance industry should prohibit such abuses.

17. Concern is also expressed at the absence of comprehensive legislation to prohibit racial discrimination in the private sector in accordance with articles 2 (1)(d) and 5 (e)(i) of the Convention.

18. It is noted with concern in connection with article 6 of the Convention that certain categories of foreigners, including those without legal status and temporary residents, are not entitled to redress for acts of racial discrimination committed against them.

19. It is noted with concern that no information was made available by the State party concerning measures taken to eradicate de facto racial segregation in accordance with article 3 of the Convention and as further elaborated in the Committee's General Recommendation XIX (47).

E. Suggestions and recommendations

20. The Committee recommends again that the German authorities give serious consideration to the enactment of a comprehensive anti-discrimination law and suggests that consideration also be given to the establishment of a national institution to facilitate the implementation of the Convention, bearing in mind the Committee's General Recommendation XVII (42).

21. The Committee encourages the State party to continue exploring ways of providing specific protection to all ethnic groups living in Germany.

22. In its forthcoming report the State party should address, inter alia, issues of racial discrimination in the private sector, access to employment by foreigners, post-employment contract equality, de facto racial segregation (bearing in mind the Committee's General Recommendation XIX (47) on article 3 of the Convention), prompt investigation and prosecution of xenophobic offences, in particular those committed by members of the police forces, legislation on foreigners and its implementation (in accordance with the Committee's General Recommendation XI), current asylum practices, in particular in relation to the list of so-called "safe countries", compensation to all victims of acts of racial discrimination in Germany, and the respective competences of the federal and provincial (Länder) authorities.

23. The Committee recommends that the State party's next periodic report be an updating report in accordance with the reporting guidelines, taking account of the Committee's concluding observations.

24. The Committee invites the State party to make its report and the Committee's concluding observations widely available in Germany with a view to generating discussion on the problems still existing.

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Fiftieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Pakistan

1. The Committee considered the tenth, eleventh, twelfth, thirteenth and fourteenth periodic reports of Pakistan, submitted in one document (CERD/C/299/Add.6), at its 1198th and 1199th meetings (CERD/C/SR.1198 and SR.1199), held on 11 and 12 March 1997. At its 1210th meeting, held on 19 March 1997, it adopted the following concluding observations.

A. Introduction

2. The Committee welcomes the opportunity to resume the dialogue with Pakistan after a lapse of 10 years. The Committee notes with appreciation that the report submitted by the State party complies with its general guidelines and that it addresses the recommendations made during the discussion of the previous report. At the same time, the Committee is of the opinion that more specific information is needed on the implementation of the Convention and national laws in practice. The Committee also welcomes the answers provided by the delegation in response to comments made by its members.

3. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and some of its members requested that the possibility of such declaration be considered.

B. Factors and difficulties impeding the implementation of the Convention

4. It is noted that Pakistan has a large multiethnic and multicultural society. It is also noted that the extreme poverty of certain groups in the population, the presence of 1.2 million Afghan refugees and the climate of violence in certain parts of the country may affect the full implementation of the Convention by the State party.

C. Positive aspects

5. The completion of the democratic process, with the regular holding of elections, is obviously a positive step towards better protection of human rights in general and full compliance with the Convention.

6. The information provided by the State party on minorities living in Pakistan, in response to questions asked during the consideration of the previous report, is welcomed by the Committee. It notes that the State party's definition of minorities is based on the religious affiliation of the persons concerned and not on ethnic, racial or linguistic grounds. Although the Committee is aware that religious minorities as such do not fall under the scope of the Convention, it notes that religious differences may coincide with ethnic differences and therefore welcomes the institutions and measures that have been established to promote and protect minority rights, such as the Minorities Affairs Division, the National Commission for Minorities, the Federal Advisory Council for Minorities Affairs, the Districts Minority Committees, the National Committee on the Kalash People and the monthly holding of meetings with minority members of the National Assembly.

7. The establishment of a Ministry of Human Rights is welcomed. The active role played by the Commission on Human Rights in identifying and criticizing human rights violations, including those committed by the police and armed forces, is also welcomed by the Committee.

8. The repeal of the separate electoral system, which allowed members of minorities to vote only for certain reserved seats in elections, is welcomed. The fact that members of minorities are now entitled to participate directly in the general election process, in addition to electing their own representatives, is a positive development.

9. The direct participation in national elections, for the first time since Pakistan's independence, of the inhabitants of the Tribal Areas is also welcomed.

10. The extensive information in the report on the different languages spoken in Pakistan is welcomed by the Committee, all the more so since it may help in the gathering of future information on the ethnic composition of the population during the Fifth Population and Housing Census.

11. The detailed information on various measures taken and campaigns launched by Pakistan with a view to promoting human rights education and to raising people's awareness of their rights and obligations, including those under the Convention, as well as the envisaged incorporation of human rights education in the school curricula, are welcomed.

D. Principal subjects of concern

12. Concern is expressed that the policy of the State party to recognize only religious minorities excludes ethnic, linguistic or racial groups living in the country from any specific protection under the Convention that would derive from their official recognition as minorities.

13. The fact that the fundamental rights of citizens, irrespective of their race, religion, caste, sex, residence or place of birth, are guaranteed by the Constitution is welcomed, although it is stressed that article 1, paragraph 1, of the Convention is broader, in that it prohibits discrimination "based on race, colour, descent, or national or ethnic origin".

14. It is noted with regret that the report does not respond to paragraph 8 of the Committee's general guidelines about the supply of information on ethnic or racial origin. The lack of such information makes it difficult to assess the situation of the various ethnic groups in Pakistan and to evaluate the practical impact and the effectiveness of the legislative and other measures adopted by the authorities to implement the provisions of the Convention.

15. It is noted with regret that no specific information is provided on the laws and regulations concerning the Federally Administered Tribal Areas and the North-West Frontier Province as well as on the economic and social situation prevailing therein.

16. The lack of information on the implementation of article 4 of the Convention is regretted. Moreover, it is noted that the State party's legislation does not fully comply with article 4 (b) of the Convention, which requires that "organizations, and also organized and all other propaganda activities, which promote and incite racial discrimination" be declared illegal, and that "the participation in such organizations" shall be declared an offence punishable by law.

17. There is insufficient information on article 5 (a) and (b) of the Convention, and in particular whether everyone enjoys the right to "equal treatment before the tribunals and all other organs administering justice" and to "security of the person and protection by the State against violence or bodily harm, whether inflicted by government officials or by any individual group or institution".

18. It is regretted that there is not sufficient disaggregated information on the participation in public life as well as economic and social indicators, especially in connection with access to employment, housing, education and health, of the various ethnic, racial or linguistic groups living in the country, including non-citizens; this hampers the assessment of the progress made in the implementation of article 5 of the Convention.

19. It is unclear whether the various languages spoken in the country can be used in the courts.

20. As there is no information on the legislative measures adopted to implement article 6 of the Convention, the absence of instances of judicial cases concerning acts of racial discrimination cannot be accepted as a proof of the absence of such discrimination.

E. Suggestions and recommendations

21. The Committee recommends that in the future, attention be paid to article 9, paragraph 1, of the Convention relating to the undertaking by States parties to submit periodic reports regularly.

22. The Committee recommends that the State party's prohibition of discrimination be brought into line with article 1, paragraph 1, of the Convention.

23. The Committee recommends that more information on the functions and powers of the Ministry of Human Rights and the Commission on Human Rights be provided in the State party's next periodic report.

24. The Committee recommends that specific information be provided on the Federally Administered Tribal Areas and the North-West Frontier Province.

25. The Committee, while appreciating the concern not to promote ethnic or group distinctions, suggests that the State party explore the possibility of granting the same status as that of the religious minorities to other ethnic and linguistic groups, to ensure their full protection under the national laws and institutions relating to minorities as well as relevant international human rights instruments.

26. The Committee recommends that the State party include in its next report information as available on the ethnic and racial origin of the population in conformity with paragraph 8 of the Committee's general guidelines.

27. The Committee recommends that information on the implementation of article 4 of the Convention be provided in the next periodic report. It also recommends that the necessary steps be undertaken to give effect to article 4 (b) of the Convention in national legislation.

28. The Committee further recommends that comprehensive information be provided in the next periodic report on the implementation of article 5 of the Convention, with particular reference to paragraphs (a), (b), (c) and (e).

29. The Committee recommends that the next periodic report contain information on which of the main languages spoken in Pakistan may be used in the courts and in relations with the administration.

30. The Committee recommends that comprehensive information be provided on legislative and other measures adopted by the State party to comply with provisions of article 6 of the Convention and on the availability of the right to seek from the courts just and adequate reparation or satisfaction for any

damage suffered as a result of racial discrimination. The Committee also recommends that instances of cases where reparation was sought from the courts, together with the courts' decisions thereon, be provided.

31. The Committee recommends that the State party, in its continuing efforts in the field of human rights education and awareness, continue to pay attention to the establishment of training programmes aimed at familiarizing law enforcement officials, judges, magistrates, teachers and social workers with the standards of the Convention. In this respect, the Committee draws the attention of the State party to its General Recommendations V (15), on reporting obligations in relation to article 7 of the Convention, and XIII (42), on the training of law enforcement officials in the protection of human rights.

32. The Committee further recommends that the tenth to fourteenth periodic reports of the State party, as well as the present concluding observations, be publicized and widely disseminated among the public at large.

33. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the 14th meeting of States parties.

34. The Committee recommends that the State party's next periodic report be an updating report taking into account all requests for specific information listed above and all points raised in consideration of the report.

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Fiftieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Belgium

1. The Committee considered the ninth and tenth periodic reports of Belgium, submitted in one document (CERD/C/260/Add.2), and adopted the following concluding observations at its 1211th and 1212th meetings (see CERD/C/SR.1211 and 1212) on 20 March 1997.

A. Introduction

2. The Committee welcomes the ninth and tenth periodic reports submitted by the Government of Belgium in one document and the opportunity thus offered to continue its dialogue with the State party. It expresses to the Belgian Government its satisfaction regarding the quality of the report although it regrets that it was not submitted within the time limit. It also thanks the high-level delegation for the additional information submitted orally in reply to the numerous questions asked by members of the Committee and considers its dialogue with the delegation to have been fruitful and constructive. The Committee noted the desire of the State party, as evidenced by the ongoing review of the operation of the police services and judicial institutions, to implement a more active policy for prosecuting racial offences.

B. Positive aspects

3. The Committee noted with interest the statement by the State party to the effect that - with a view to the accession of Belgium to article 14 of the International Convention on the Elimination of All Forms of Racial

Discrimination - steps have been taken at federal level and clarification has been requested from the United Nations High Commissioner for Human Rights/Centre for Human Rights concerning the procedure for implementing article 14, paragraph 2.

4. The Committee took note with satisfaction of the institutional and statutory measures recently adopted by the Belgian authorities to combat racism and xenophobia. It noted the amendments to the Act of 30 July 1981 designed to curb certain acts motivated by racism or xenophobia. These measures led to the establishment in 1993 of the Centre for Equal Opportunity and Action to Combat Racism, the primary function of which is to receive complaints of racial discrimination and, if necessary, institute court proceedings. In addition, the Act of 12 April 1994 introduced changes to increase penalties and extend the scope of penalties for public expressions of intent to practise racial discrimination, for discrimination in the provision of goods or services and discrimination in employment, with regard to which the right to institute proceedings was granted to workers' and employers' organizations.

5. The Committee noted with satisfaction the various measures taken regionally to ensure the integration and participation of foreigners, in particular the promulgation of the decree of 4 July 1996, the purpose of which is to approve and subsidize centres in the Walloon Region for the integration of foreigners or persons of foreign origin.

6. The Committee took note of the penalties introduced by the Act of 15 December 1980 as reprisals against the organizers of illegal immigration networks and traffic in persons, particularly foreigners.

7. The Committee also noted with great interest and appreciation the role of the Centre for Equal Opportunity and Action to Combat Racism in preventing discrimination by considering complaints of acts of racial discrimination, by setting up training courses for the police and gendarmerie and the judicial police and by organizing information campaigns for foreigners and campaigns to enhance public awareness of action to combat racism. The Committee is also pleased to welcome the initiatives taken in the spheres of education and information to overcome the prejudices which give rise to racial discrimination.

C. Principal subjects of concern

8. The Committee noted the entry into force of the Act of 23 March 1995 prohibiting the denial, minimization, justification or approval of the genocide committed by the German national socialist regime during the Second World War, thus filling a gap in the law. Concerns are, however, expressed that the scope of this Act, which does not refer to all types of genocide, is too restricted.

9. The Committee expressed serious concerns about case law in Belgium which interprets as a press offence any written material containing a criminal expression which is printed, reproduced and distributed. It is a

matter for concern that the Act of 1981, amended in 1994, and the Act of 1995, both of which tend to apply severer sanctions to acts inspired by racism and xenophobia, are not implemented in this connection.

10. Particular concern is again expressed regarding the Belgian Government's declaration on the provisions of article 4 of the Convention. The Committee also noted with concern that the State party has not taken any legislative measures to declare illegal and prohibit organizations which incite to racial discrimination as article 4 (b) of the Convention provides. Strong concern was also expressed at the existence in the Flemish Community of a political party with an extremist and xenophobic ideology.

11. Although Belgium's legislative system tends to eliminate most provisions which restrict the rights of foreigners and refugees, the Committee regretted that, with regard to article 5 of the Convention, the report contained no information concerning the economic, social and cultural situation of Belgian citizens of foreign origin - Moroccans, Turks, Italians or others - or that of persons established in Belgium but not Belgian citizens.

12. Concern was expressed at the allegation that the Public Prosecutor's Department and the police are less zealous in the prosecuting of offences in cases where the victim is not of European origin.

13. Concern was also expressed about article 18 bis of the Act of 15 December 1980, permitting the limitation of the temporary or permanent residence of foreigners in certain communes.

14. The Committee expressed regret at the lack of detailed information on complaints of racist and xenophobic acts received by the Centre for Equal Opportunity and Action to Combat Racism. Further information was also requested on the number of complaints of racial discrimination taken to court, the nature of such complaints and how they were handled.

15. The Committee noted with regret that the report submitted by the State party made no explicit reference to the Committee's conclusions and recommendations following its consideration of the previous report and that it had not been widely publicized.

D. Suggestions and recommendations

16. The Committee suggests that all necessary efforts should be made to ensure the full implementation of the Convention in Belgian law and the possibility of invoking it before the courts.

17. The Committee recommends that the Belgian legislative system should ensure greater consistency in formulating new laws and, in particular, that adjustments should be made to the Constitution and the laws to permit more effective criminal prosecution of racist, negatory or discriminatory writings as such. The Committee suggests that the Act of 23 March 1995 which prohibits the denial, minimization, justification or approval of the genocide committed by the German national socialist regime during the Second World War should be broadened to cover the different types of genocide. The Committee recommends that the State party should include in its next periodic report information on

the results of putting into effect recently-adopted legislation, as mentioned above, and the obstacles encountered in so doing. The Committee is not satisfied with the replacement in the Act of 12 April 1994 of the concept of "national or ethnic origin" by the concepts of "origin" or "nationality" and suggests an amendment in keeping with the terms used in article 1, paragraph 1 of the Convention.

18. The Committee recommends that the Belgian Government should take the necessary legal steps to implement article 4 (b) of the Convention, according to which States parties shall declare illegal and prohibit organizations "which promote and incite racial discrimination". The Committee also recommends that the State party should include in its next report information on complaints of discrimination under article 4 of the Convention, and on how the courts handle them.

19. The Committee recommends that the State party should include in its next report statistical data on the ethnic composition of the Belgian population, and especially the percentage of Belgian citizens of foreign origin in the country and in the various communities, and the number of persons established in Belgium who are not Belgian citizens. Detailed information on their socio-economic situation, particularly the unemployment rate in the various ethnic communities, would be much appreciated.

20. The Committee recommends that the Belgian Government should ensure, by means of appropriate information and training, that the judicial authorities and the police treat persons of European and non-European origin in the same way.

21. The Committee recommends that the State party should reconsider article 18 bis of the Act of 15 December 1980 which appears to be in breach of article 5 (d) (i) of the Convention.

22. The Committee recommends that additional information should be provided on the activities of the Centre for Equal Opportunity and Action to Combat Racism, along with detailed information on the number of complaints of racial discrimination filed with the courts, the results of proceedings instituted in cases of racial discrimination and the compensation granted, where appropriate, to the victims of the said discrimination.

23. The Committee recommends that the Belgian Government should take account, in preparing its next report, of these conclusions and recommendations of the Committee. It suggests that the State party should ensure that the report and these conclusions are widely distributed to the public in the various languages used in Belgium.

24. The Committee recommends that the State party should ratify the amendment to article 8, paragraph 6 of the Convention, adopted by the fourteenth meeting of States parties.

25. The Committee recommends that the State party's next periodic report should be an update of the last report and that it should address all the points raised during the consideration of the report.

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CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Iceland

1. The Committee considered the fourteenth periodic report of Iceland (CERD/C/299/Add.4), at its 1202nd meeting (CERD/C/SR.1202), on 13 March 1997. At its 1212th meeting, held on 20 March 1997, it adopted the following concluding observations.

A. Introduction

2. The Committee commends the State party on the quality of its report, submitted in due time and drawn up in accordance with the Committee's guidelines. The Committee is satisfied with the frank and constructive approach taken by the representatives of the reporting State in their dialogue with the Committee and for the additional information they provided with regard to recent developments relating to the implementation of the Convention in Iceland.

B. Factors and difficulties impeding the implementation of the Convention

3. The Committee notes that whereas Iceland has incorporated the European Convention on Human Rights into Icelandic law, by Act No. 62/1994, it has not done so with regard to the International Convention on the Elimination of All Forms of Racial Discrimination. Conferring constitutional status on the Convention would enhance its effectiveness by providing for direct domestic application.

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C. Positive factors

4. The Committee expresses satisfaction that in February 1995 the Althing, Iceland's legislature, amended its Constitution to reflect provisions of human rights treaties to which Iceland is a party. The amendment provides for extensive changes and additions to human rights provisions previously in effect. Whereas the principle of equality had been unwritten law and practice in Iceland, the new constitutional provisions now render it written law. Of particular relevance to the Committee is section 65, subsection 1, which stipulates equality without regard to national origin, race or colour. The Committee also welcomes the 1996 amendment to the Personal Names Act, abolishing the requirement that a naturalized foreigner assume an Icelandic-sounding family name. Henceforth, both the naturalized person and his children can retain their family names.

5. The Committee welcomes the fact that the Althing adopted changes to the Penal Code in December 1996 making racial discrimination punishable by law. This goes beyond the previously existing penal provisions of section 233 (a) of the Penal Code concerning public attacks on a group of persons on the grounds of their nationality, colour, race or religion, and of section 125 concerning ridicule of the religion or worship of a lawful religious community in Iceland.

6. Iceland's information on the implementation of article 7 of the Convention is appreciated. In particular, the Committee is pleased that Iceland has issued and widely distributed a brochure containing the Convention, and that Iceland's Human Rights Office undertakes special lectures on human rights and tolerance for persons working with and teaching immigrants. Human rights education is provided both in the schools and for the adult population. In the Icelandic School for Policemen a general course on human rights is compulsory, and all major international conventions on human rights are introduced to the students.

7. The Committee commends the State party for having distributed the Committee's concluding observations concerning Iceland's previous reports to the public media, most of which commented on them, thereby providing an occasion for public debate in Iceland.

8. The Committee welcomes the establishment of a special Information and Cultural Centre for Foreigners in Reykjavik in 1994, which, inter alia, provides practical information concerning residents' permits, health care, social services, insurance and the school system.

9. The Committee notes with satisfaction that Iceland has made the declaration under article 14 of the Convention, thus enabling its residents to avail themselves of the individual communications procedure.

D. Principal subjects of concern

10. The Committee notes that its previous concluding observations, dated 17 August 1994, contained four recommendations concerning the Convention's status in the domestic legal order of Iceland, measures to implement fully the provisions of article 4 of the Convention, measures to

combat racial discrimination in the fields of teaching, education, culture or information, and acceptance of the amendment to article 8, paragraph 6, of the Convention. Iceland has partially implemented only one of those recommendations, concerning article 4 of the Convention, and has not provided the Committee with any explanation of why it has not been able to implement the other three.

E. Suggestions and recommendations

11. The Committee suggests that further publicity be given to the State party's declaration under article 14, so as to make this recourse more widely available to the residents of Iceland.

12. The Committee reiterates its previous recommendations to fully implement article 4 of the Convention and to adopt measures according to article 7 in the field of teaching, education, culture and information.

13. In its forthcoming report, the Committee would welcome further information on the naturalization law and its mechanisms.

14. The Committee invites the State party to make its report and the Committee's concluding observations widely available in Iceland with a view to enhancing public awareness of the problems and dangers of racial discrimination. The Committee would welcome information on relevant public debate in the forthcoming report.

15. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the 14th meeting of States parties.

16. The Committee recommends that the State party's next periodic report be an updating report and that it address all the points raised during the consideration of the report.

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the Elimination
of all Forms of
Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-first session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on
the Elimination of Racial Discrimination

Iraq

1. At its 1203rd and 1204th meetings, held on 14 March 1997, the Committee on the Elimination of Racial Discrimination considered the eleventh, twelfth and thirteenth periodic reports of Iraq (CERD/C/240/Add.3) and adopted, at its 1230th and 1231st meetings, held on 13 and 14 August 1997, the following concluding observations.

A. Introduction

2. The Committee welcomes the presentation of the State party's eleventh, twelfth and thirteenth periodic reports, which had been overdue because of the difficult situation in the country since 1991, and appreciates the opportunity to continue the dialogue with the State party. The report did not fully follow the guidelines for the presentation of reports and lacked concrete information on the practical implementation of the Convention and laws bearing on issues concerning the Convention.

3. The Committee notes that the State party has not made the declaration provided for in article 14 of the Convention, and some of its members requested that the possibility of making the declaration be considered.

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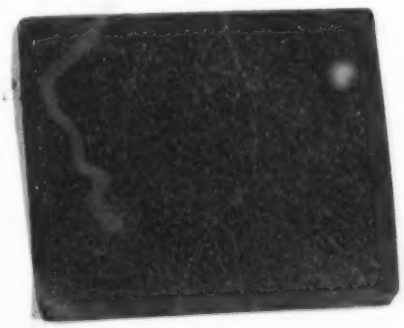

B. Factors and difficulties impeding the implementation of the Convention

4. It is recognized that the economic and social hardships in Iraq following the international embargo since the Gulf war and the continuing situation in the Northern Governorates which precludes Iraq from exercising its jurisdiction makes more difficult the full implementation of the Convention. In particular, it is noted that, according to reports of the World Health Organization in March 1996 (WHO/EHA 96.1) and of the Food and Agriculture Organization of the United Nations in 1995, that the economic sanctions applied against Iraq have resulted in a significant lack of basic foods and medicine and that the population, especially children and elderly people, have suffered gravely from malnutrition and lack of medical care, with fatal consequences. In this context, it is noted with grave concern that, according to the report of the Secretary-General of 10 March 1997 (S/1997/206), Security Council resolution 986 (1995) and the memorandum of understanding, which are meant to provide for the delivery of humanitarian goods in exchange for oil, have still not been fully implemented. The Committee is of the opinion that the withholding of basic supplies of food and medicine in itself constitutes a grave violation of human rights. This, however, does not absolve the Government of Iraq from its responsibility to implement the Convention.

C. Positive aspects

5. It is noted with appreciation that, according to the legal system of Iraq, the Convention forms an integral part of the national legislation and may be directly invoked before the courts.

6. The laws and regulations providing for the autonomy of the Kurdish minority in the northern parts of Iraq and the regulations concerning the protection of the cultural identity of several minority groups in Iraq, including the protection of languages spoken by them, are noted with appreciation.

D. Principal subjects of concern

7. The human rights situation in Iraq with respect to the implementation of the Convention, according to certain reports, in particular the report of the Special Rapporteur of the Commission on Human Rights (E/CN.4/1997/57), is a matter of grave concern. Equally, the assessments made by the Commission on Human Rights in its resolution 1997/60 are a matter of grave concern. Iraq is a party to most of the major human rights agreements, however, the implementation of the obligations Iraq has accepted under these instruments, including the Convention, is open to improvement.

8. The Committee is concerned that Security Council resolutions dealing with matters relating to the elimination of all forms of racial discrimination have not been fully implemented.

9. It is noted with regret that the Kurdish population living in the Northern Governorates was, because of the present prevailing situation and

restraints imposed upon the exercise of the jurisdiction of Iraq, unable to participate in the popular referendum in accordance with Revolution Command Council Decree No. 85 of 1995.

10. Concern is expressed about the situation of the inhabitants of the southern marshes and further information is requested about the status of the inhabitants of that area and their way of living.

11. It is noted with concern that the provisions of articles 200, 203, 204 and 208 of the Penal Code do not reflect the requirements of article 4 of the Convention.

E. Suggestions and recommendations

12. The Committee requests the State party to provide in its next report detailed information addressing the concerns expressed by the Committee.

13. The Committee recommends that Iraq review its policy concerning respect for and implementation of international human rights instruments, in particular the International Convention on the Elimination of All Forms of Racial Discrimination.

14. The Committee recommends that Iraq comply with the relevant Security Council resolutions calling for the release of all Kuwaiti nationals and nationals of other States who might still be held in detention, and to provide all information available on missing individuals of such States.

15. The Committee recommends that the State party review its legislation in order to make it comply with the requirements of article 4 of the Convention.

16. The Committee requests the State party to provide economic and social data on the situation of ethnic minorities.

17. The Committee requests the State party to substantiate its statement that the provisions of the Convention may be directly invoked in the courts.

18. The Committee recommends that the State party provide information about the political, economic and geographical structure of the country in a separate core document and that the next report of Iraq follow more closely the guidelines for reporting.

19. The Committee recommends that the State party ratify the amendments to article 8, paragraph 6, of the Convention adopted at the 14th meeting of States parties.

20. The Committee recommends that the State party's next periodic report be a comprehensive report submitted so as to be dealt with by the Committee at its summer session of 1998 and that it address all the points raised in the present concluding observations as well as in Commission on Human Rights resolution 1997/60.

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Fiftieth session

CONSIDERATION OF REPORTS SUBMITTED BY STATES
PARTIES UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the
Elimination of Racial Discrimination

Bulgaria

1. The Committee considered the twelfth, thirteenth and fourteenth periodic reports of Bulgaria, which were submitted in a single document (CERD/C/299/Add.7), at its 1205th and 1207th meetings (CERD/C/SR.1205 and 1207), held on 17 and 18 March 1997. At its 1210th meeting, held on 19 March 1997, it adopted the following concluding observations.

A. Introduction

2. The Committee notes with appreciation the State party's readiness to continue the dialogue with the Committee by sending a high-level representation to present the twelfth, thirteenth and fourteenth consolidated periodic reports, which serves as an indication of the importance attached by the Government of Bulgaria to its obligations under the Convention. The Committee appreciates the frankness and the comprehensiveness of the report, which fully complies with the reporting guidelines and which contains detailed supplementary information in response to some of the suggestions and recommendations adopted by the Committee during its consideration of the previous periodic report. The Committee welcomes the additional information provided by the State party in the course of the dialogue with the Committee, during which the representatives of Bulgaria indicated in a very frank and self-critical manner the difficulties encountered in implementing the Convention.

B. Factors and difficulties impeding the implementation of the Convention

3. It is recognized that Bulgaria has had to face economic, social and political challenges during the past years, due, inter alia, to the transition to democracy and to a market-oriented economy. In this connection, it is noted that the State party is undergoing severe economic and social problems, including a high level of external debt, which has had a negative impact on the situation of the population, especially minorities such as Roma, and which impede the full enjoyment of economic and social rights. The high rate of unemployment and poverty contributes to the marginalization of a broad strata of the population and is not conducive to the full implementation of the Convention.

C. Positive aspects

4. It is noted with great appreciation that the State party has made the declaration under article 14 of the Convention recognizing the competence of the Committee to receive communications, and the withdrawal of its reservation in relation to article 22 of the Convention is welcomed.

5. The fact that, according to article 5 (4) of the Constitution, international instruments such as the Convention that are ratified, promulgated and made effective by Bulgaria are part of the State party's domestic law and enjoy superiority over norms of domestic law that contradict them, is welcomed.

6. It is noted that the Government of Bulgaria has taken several positive measures in the field of law reform, especially since the adoption of the new Constitution of 12 July 1991, to combat various forms of racial discrimination and which fall within the scope of the Convention, including the Law on Names of Bulgarian Citizens, which ensures the possibility of the use of non-Slavic names; the Law on Amnesty and Restitution of Sequestered Properties; and the Law on Restoration of Property Rights and Real Estate to Bulgarian Citizens of Turkish Origin.

D. Principal subjects of concern

7. Although the periodic report contains comprehensive information on the legal framework, the absence of information on the effective implementation of new laws is regretted.

8. Concern is expressed that the economic crisis has affected people from ethnic minorities disproportionately. In this respect, the persistent marginalization of the large Roma population, in spite of continuing efforts by the Government, is a matter of concern. It is noted that the Roma face de facto discrimination in the enjoyment of their economic, social and cultural rights which increases their vulnerability in a context of economic crisis. Concern is expressed about discrimination against minorities in the workplace, especially for Roma, most of whom have relatively little training and education. Concern is also expressed that Roma encounter difficulties in applying for social benefits and that rural Roma are discouraged from claiming land to which they are entitled under the law disbanding agricultural collectives.

9. Concern is expressed at the insufficiency of the measures taken to guarantee the rights and freedoms of Bulgarian citizens and their integration into society regardless of race, nationality or ethnic origin. In this connection, concern is expressed at the persistence of expressions of racial hatred and acts of violence, particularly by neo-Nazi skinheads and others, towards persons belonging to minorities, especially Bulgarian citizens of Roma origin. Alarm is expressed that the State party has not been sufficiently active in effectively countering incidents of racial violence against members of minority groups and that Bulgarian police and prosecutors seem to have failed to investigate acts of violence promptly and effectively. In addition, concern is expressed at information from various sources indicating that the number of charges and convictions is low relative to the number of abuses reported. Concern is expressed that acts of propagating and instigating racial and nationalistic hatred, and the perpetrators of such crimes against ethnic minorities, are not considered to pose a significant danger to the public order.

10. Taking into account reports of cases of harassment and use of excessive force by members of security forces against minorities, especially against members of the Roma community, the Committee is concerned that there may be insufficient training provided to law enforcement officials on the Convention.

11. Although the right to associate and to found political parties is stated as a general principle in the Constitution, it is noted with concern that the State party prohibits the foundation and registration of political parties formed on ethnic, racial or religious bases according to the provision of article 11, paragraph 4, of the Constitution of Bulgaria.

E. Suggestions and recommendations

12. The Committee recommends that the State party provide detailed information on the effective implementation of the new legislation, including on the law on restitution of confiscated immovable property or compensating affected persons.

13. Although a number of institutions have been established to promote and protect human rights, the Committee recommends that the State party strengthen coordination between the various governmental mechanisms at both the national and local levels, with a view to developing a comprehensive policy on the elimination of racial discrimination and ensuring effective evaluation of the implementation of the Convention. In addition, the Committee suggests that the State party pursue its efforts to establish an independent mechanism such as an ombudsman or a National Commission for Human Rights to monitor observance of human rights.

14. The Committee recommends increased attention to the protection of the Roma's civil, political, economic, social and cultural rights. The effort to implement measures of affirmative action in that respect should be strengthened. Adequate indicators and other means of monitoring the economic and social living conditions of this group should be developed. The Committee requests the State party to provide detailed information on such measures in its next report. The Committee also recommends that the State party provide, in the next report, such statistical data and information as are available on the situation of all minorities on the matters covered under article 5 of the Convention.

15. The Committee recommends that the State party take more active steps to prevent and counter attitudes and acts of racial violence against individuals and to investigate such acts promptly. The Committee recommends that the next report contain detailed information on the effective implementation of the provisions of the Penal Code, allegations and prosecutions of cases of acts of racial discrimination, and complaints and penalties relating to acts of racial and ethnic discrimination.

16. The Committee recommends that the State party take immediate steps to prevent and combat cases of excessive use of force by members of the security forces. These steps should include the education and sensitization of law enforcement officials about the provisions of the Convention. Due account should be taken of the Committee's General Recommendation XIII according to which law enforcement officials should receive training to ensure that in the performance of their duties they respect as well as protect human rights and uphold the human rights of all persons without distinction as to race, colour or national or ethnic origin.

17. The Committee recommends that the State party prevent any de facto segregation of minorities; in this context the Committee draws the attention of the State party to general recommendation XIX on article 3 of the Convention.

18. The Committee recommends that the State party clarify its practice concerning the implementation of article 11, paragraph 4, of the Constitution and the enjoyment of the right of all Bulgarian citizens to participate in political life.

19. The Committee recommends that the State party launch a systematic information campaign to inform and educate all parts of society on the provisions of the Convention. Additionally, the Committee recommends that human rights education be provided at all levels in educational establishments and that comprehensive human rights training be provided to all segments of the population with a view to combating negative attitudes and prejudices towards minorities and to promote understanding, tolerance and friendship.

20. The Committee is of the view that the public should be better informed of the procedure available under article 14 of the Convention. The Committee suggests to the State party that the declaration concerning article 14 be made more widely available to the public in the various languages spoken in the country. Additionally, it is recommended that the State party should ensure wide dissemination of its report and of the concluding observations of the Committee.

21. The Committee recommends that the State party's next periodic report be an updating report and address all the concerns expressed by the Committee.